

**Copyright Royalty Judges  
Washington, D.C.**

Distribution of Satellite and Cable  
Royalty Funds (2014-2017)

DKT No. 16-CRB-0010-SD  
16-CRB-0009-CD

**Reply to Judges order to show cause not to dismiss Participants**

I David Powell d/b/a Circle God Network Inc. (members) claimants reply verified motion Petition to Participate fully in these proceedings. Claimants will show cause for Cable and Satellite that we have Significant Interest stake in the outcome of these proceedings. H.R. Rep. No. 108-408 at 27 (2003) (emphasis added). Identify his ownership (members) claimants give rise to an interest in Statutory and Compulsory License. CRDRA also have legally protected and tangible interest in these Proceedings Subsection 803 (b)(2) participant(s), ss.803(b)(2)(C) of the Copyright Act, 17 USC ss.803(b)(2)(C), 37 CFR ss. 351.1(b)(2)(i)(C) Description of Interest.

But Pro Se claimants members are entitled to receive the subject 5% Royalty and has a reasonable shown cause to the requested Allocation Phase and Distribution 17 USC 801(b)(3)(C). Pro Se outlines and advises the judges of the existence and extent of all their shown cause Proved Up before or on 6-19-2020.

- 1) Exclusion stop and added to Voluntary negotiations to Joint agreeing settling parties settlement List 2014-2017 Cable and Satellite Royalty payments Allocation and Distribution Phases as a matter of record. Any list missing is deemed unfavorable to Settling Parties as Missing Evidence Rule 2014-2017.



- 2) Insert claimants Pro Se Description of significant interest now in Appendix A

Program Category Definitions (see attachment). Proved Up Judges order to show cause to participate. Works performed during programs and programs produced, copyright ownership in each six categories definitions thru Digital Interactive Communication as a Pro Se claimants CGN Inc. (members).

- 3) Pro Se added to both Cable and Satellite Settling Parties Repayment Agreement list and EFT forms information request signed and return by Pro Se. Pursant to section 801 (b)(3)(C) of the Copyright Act 17 USC 801, 17 USC ss.

801(b)(3)(C)(ii)(2012), as prepared by Copyright Royalty Judges pursuant to 801(b)(3)(C)(ii)(iii). And the only for all Pro Se as designated recipient (Agent) from the office of the Commissioner of Baseball common agent Phase I and II royalty distribution Payments.

- 4) Removing the exception of Music Claimants joint claims Part 360 ss. 360.4(i)

forms and content of claims filed by performing rights society on behalf of its members copyright owners. A list including full legal names, address, and email address whose claims are included in the joint claim. Claims must include an Excel spreadsheet containing the information if the number of joint claimants is in excess of ten. Each individual of their vast universe millions of members does not get Royalty fees each year as perceived. Based on Music Claimants legal prejudice, bias, and unfair advantage towards other filing claimants filings.



Statement of vast universe of million members or more worldwide is a ruse that leads to inflated members claims for royalty fees which is theft by deception fraudulent misrepresentation of the truth. Active and Fraudulent Concealment to include silent claimant Harry Fox Agency LLC. Parent Co. Blackstone Group Royalty fees of 0,1, to a total 4% distribution w/other identified Music claimants of record. To include Subpart B Dart ss. 360.22, 360.24 Subpart C 360.30, 360.31. (2010-currently).

Types of Licenses Section 111 compulsory, 111,112,114,115,119,122, and 1003 for cable and satellite secondary transmission. Pursant to 17 USC ss. 801(b)(3); 804(b)(8) and 37 CFR ss. 351.1(b)(2) David Powell d/b/a CGN Inc. claimants (members) w/l meaning 17 USC ss. 803(b)(1)(B);803(b)(2)(C), and 37 CFR ss. 351.1 (b)(2)(ii)(D) 804. David Powell members has authorized and consented to representation in any all and these proceedings by the undersigned counsel as required by 37 CFR ss. 351.1 (b)(4).



## APPENDIX A

### PROGRAM CATEGORY DEFINITIONS

**“Pro Se Claimants.”** Members works performed by copyright owners, host, E-commerce, music works preform during programs, news, video, apps, webcasting live streaming, public television, PTV Category, Non Commercial TV stations, Pay Per View TV and videos Category, media kit (Publishing), Sound Recordings, syndicated programs of primary religious theme programs produced by for a U.S. commercial television station and broadcast by that station, syndicated series, specials and movies except those identified programs licensed to and broadcast by a least one U.S. commercial television station and or two or more U.S. television stations during calendar year, syndicated elements such as music, videos cartoons, “PM Magazines” and locally-hosted movies, live and or internet, simulcast simultaneous telecast broadcast. Of not only professional, college, and high schools team sports (audio and visual) transmission broadcasted by U.S. television, and digital audio radio services (satellite), and Non U.S. stations(abroad) and any new future technology (known and unknown) w/ Digital Interactive Communication content. In Spanish or in any other languages Exclusive and Reproduction rights, subscription, and non subscription Category.



**2) Programs produced or perform, television, and or broadcasted during programs that are in the following categories: Program Suppliers, Joint Sports, Music, Devotional, and Commercial Television as Pro Se, CGN Inc., Members Claimants. Therefore, the Joint Petitioners have a significant interest in the subject matter of the Allocation and Distribution Phases of this proceeding.**



**Respectfully Submitted,**

**David Powell, Pro Se**

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## **PROOF OF DELIVERY**

**I hereby certify that on June 19, 2020, I provided a true and correct copy of Judges  
Order to show cause to the following:**



## PROGRAM SUPPLIERS

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Dated: May 12, 2020



**SIGNED: /S/ DAVID POWELL, PRO SE**



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Commercial Television Claimants / National Association of Broadcasters, represented by John Stewart served via Electronic Service at jstewart@crowell.com

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**Signed: /s/ David Powell**



## EXHIBIT A



### 2014 CABLE CLAIMS LIST

Claim No.	Claimant	City	State	Date Received
1	NFL Films	Potomac	MD	7-1-15
2	NASCAR Media Group	Potomac	MD	7-1-15
3	National Basketball Association	Potomac	MD	7-1-15
4	Women's National Basketball Association	Potomac	MD	7-1-15
5	National Football League	Potomac	MD	7-1-15
6	Guthy-Renker LLC	Potomac	MD	7-1-15
7	Babe Winkelman Productions, Inc.	Brainerd	MN	7-1-15
8	Sander Operating Co I LLC d/b/a WHAS Television, Licensee of WHAS-TV	McLean	VA	7-1-15
9	(JOINT) National Hockey League	Potomac	MD	7-1-15
10	(JOINT) Hammerman PLLC d/b/a Intermediary (2014 Public TV Cable)	Washington	DC	7-1-15
11	Hammerman PLLC d/b/a Intermediary (2014 MLS Cable); Major League Soccer, LLC	Washington	DC	7-1-15
12	Dick Clark Productions, Inc.	Santa Monica	CA	7-1-15
13	Hammerman PLLC d/b/a Intermediary (2013 Gray TV Cable); Gray Television, Inc.	Washington	DC	7-1-15
14	Hammerman PLLC d/b/a Intermediary (2014 A&E Cable); A&E Television Networks, LLC	Washington	DC	7-1-15
15	(JOINT) Hammerman PLLC d/b/a Intermediary (2014 Program Suppliers Cable Joint)	Washington	DC	7-1-15
16	(JOINT) Hammerman PLLC d/b/a Intermediary (2014 Devotional Cable Joint)	Washington	DC	7-1-15
17	Channel 51 of San Diego, licensee of television station KUSI, San Diego	San Diego	CA	7-1-15
18	KATC Communications, LLC	Lafayette	LA	7-1-15
19	Multimedia Holdings Corporation, licensee of KARE(TV)	McLean	VA	7-1-15
20	Jim Brown Productions, LLC	New York	NY	7-2-15
21	National Film Board of Canada	Quebec	Canada	7-2-15
22	Hudson West Productions, Inc.	Croton	NY	7-2-15
23	Marjorie Poore Productions, Inc.	Las Vegas	NV	7-2-15
24	(JOINT) American Society of Composers, Authors and Publishers	New York	NY	7-2-15



169	(JOINT) Bellum Entertainment; Longneedle Entertainment	Burbank	CA	
170	Graham Media Group, San Antonio, Inc.	San Antonio	TX	
171	(JOINT) FBI; Dir. James Comey; David Powell	Miramar	FL	7-17-15
172	David Powell Jr.	Miami	FL	7-17-15
173	(JOINT) Sony Pictures Television Inc.	Culver City	CA	7-20-15
174	Califon Productions, Inc.	Culver City	CA	7-20-15
175	Jeopardy Productions, Inc.	Culver City	CA	7-20-15
176	LIN Television Corporation, on behalf of KSNT	Topeka	KS	7-17-15
177	Indiana Broadcasting, LLC	Terre Haute	IN	7-17-15
178	Meredith Corporation, d.b.a WSMV- TV	Nashville	TN	7-17-15
179	LIN Television Corporation, on behalf of WVBT	Portsmouth	VA	7-17-15
180	KXTV, LLC, licensee of KXTV(TV)	McLean	VA	7-17-15
181	Sullivan Entertainment International Inc.	Ontario	Canada	7-17-15
182	New Voyage Communications, Inc.	Washington	DC	7-17-15
183	WDFX, LLC	Dothan	AL	7-17-15
184	DLT Entertainment Ltd. (a/k/a D.L.Taffner)	New York	NY	7-17-15
185	KSLA, LLC	Shreveport	LA	7-17-15
186	Research & Programming Services Corp. d/b/a A LA Carte Communications	San Francisco	CA	7-17-15
187	(JOINT) Roxanne Modjallal	Burbank	CA	7-17-15
188	KNRR	Fargo	ND	7-20-15
189	WCWB Licensee, LLC, licensee of Station WPNT	Pittsburgh	PA	7-20-15
190	Soul Train Holdings, LLC	New York	NY	7-20-15
191	WCHS Licensee, LLC	Charleston	WV	7-20-15
192	LIN Television Corporation, on behalf of WWLP	Chicopee	MA	7-20-15
193	KTUL, LLC	Tulsa	OK	7-20-15



2015 CABLE CLAIMS  
Revised 4-17-2019

No.	Filer	Filer's City	Filer's State	Date
76	WCAU, Subsidiary of NBCUniversal Media LLC	Bala Cynwyd	PA	7/8/2016
77	WWBT LLC	Montgomery	AL	7/8/2016
78	Laverne E Goering; Gray Television Inc	Wichita	KS	7/8/2016
79	Graham's Media Group, Michigan Inc WDIC	Detroit	MI	7/8/2016
80	Left Blank Intentionally			
81	Left Blank Intentionally			
82	Left Blank Intentionally			
83	Left Blank Intentionally			
84	WRC-TV, NBC Subsidiary LLC	Washington	DC	7/8/2016
85	WNBC, NBC Universal Media LLC	New York	NY	7/8/2016
86	Ronni Attenello	New York	NY	7/8/2016
87	Sinclair Television Media Inc	Bakersfield	CA	7/8/2016
88	LIN License Company LLC on behalf of KOIN	Richmond	VA	7/8/2016
89	Cory Culleton; Sinclair Broadcast Group	Gainesville	FL	7/11/2016
90	Media General Communications Holdings LLC on behalf of WNTC TV	Richmond	VA	7/11/2016
91	Film Odyssey Inc	Washington	DC	7/11/2016
92	Michael Bullen; Sinclair Broadcast Group Inc	Buffalo	NY	7/11/2016
93	Mario Lacobelli; Heritage Broadcasting Co. of MI	Cadillac	MI	7/11/2016
94	Left Blank Intentionally			
95	Left Blank Intentionally			
96	David Powell	Miami	FL	7/7/2016
97	WBDT Television LLC	Richmond	VA	7/11/2016
98	WOIO License Subsidiary LLC behalf of WUAB-TV; WOIO License Subsidiary LLC	Cleveland	OH	7/11/2016
99	WVIT Outlet Broadcasting LLC	West Hartford	CT	7/11/2016
100	WOIO License Subsidiary LLC behalf of WOIO-TV; WOIO License Subsidiary LLC	Cleveland	OH	7/11/2016
101	Lin Television Corporation on behalf of WTTA	Richmond	VA	7/11/2016
102	Indiana Broadcasting LLC	Richmond	VA	7/11/2016
103	Media General Communications Holdings LLC on behalf of WFLA	Richmond	VA	7/11/2016
104	Left Blank Intentionally			
105	Left Blank Intentionally			
106	KSLA LLC	Shreveport	LA	7/11/2016
107	Amy Collins; Sinclair Communications LLC dba WSTM WSTQ	Syracuse	NY	7/11/2016
108	Lin Television Corporation on behalf of WVBT	Richmond	VA	7/11/2016
109	Young Broadcasting of Albany Inc	Richmond	VA	7/11/2016
110	Left Blank Intentionally			
111	Sinclair Broadcast Group (WTGS)	Savannah	GA	7/11/2016
112	WSMH Inc dba WWMT licensee of WWMT	Kalamazoo	MI	7/11/2016
113	Stephen J Cannell Productions Inc	Hollywood	CA	7/11/2016



56	Academy of Motion Picture Arts and Sciences	Beverly Hills	CA	7-15-15
57	SAG-AFTRA; Swissperform; AISGE; ADAMI	Los Angeles	CA	7-15-15
58	World Wrestling Entertainment, Inc.	Stamford	CT	7-15-15
59	Hometime Video Publishing Inc.	Chaska	MN	7-15-15
60	Direct Delivery Specialist	Los Angeles	CA	7-15-15
61	Steve Rotfeld Productions, Inc.	Bryn Mawr	PA	7-15-15
62	Schulberg Media Works	Los Angeles	CA	7-15-15
63	Jockey International, Inc.	Los Angeles	CA	7-15-15
64	Direct Delivery Specialists	Los Angeles	CA	7-15-15
65	Murad, Inc.	Los Angeles	CA	7-15-15
66	Videoindiana, Inc.	Indianapolis	IN	7-16-15
67	BBC Worldwide Americas, Inc.	New York	NY	7-16-15
68	(JOINT) Bellum Entertainment; Longneedle Entertainment	Burbank	CA	7-16-15
69	USA Track & Field, Inc.	Indianapolis	IN	7-16-15
70	(JOINT) Metro-Goldwyn-Mayer Studios Inc.	Beverly Hills	CA	7-16-15
✓ 71	David Powell Jr.	Miami	FL	7-17-15
72	(JOINT) FBI; David Powell; Dir James Comey	Miramar	FL	7-17-15
73	(JOINT) Roxanne Modjallal	Burbank	CA	7-17-15
74	(JOINT) Paramount Pictures Corporation; Melange Picktures, LLC c/o Paramount Pictures Corporation; DW Studios L.L.C. f/k/a DreamWorks L.L.C. c/o Paramount Pictures Corporation	Los Angeles	CA	7-20-15
75	WMC Holdings, LLC; Raycom Media Inc.	Memphis	TN	7-20-15
76	WTVH License, Inc. d/b/a WTVH(TV); Sinclair Communications LLC	Syracuse	NY	7-20-15



# 2015 SATELLITE CLAIMS LIST

No.	Filer's Name	Filer's City	Filer's State	Date
39	Mt. Mansfield Television Inc licensee of WCAZ-TV	Burlington	VT	7/5/2016
40	WLFL Licensee LLC	Raleigh	NC	7/6/2016
41	ITV Studios Inc; Upper Ground Enterprises	Sherman Oaks	CA	7/6/2016
42	National Film Board of Canada	Montreal	QC	7/6/2016
43	Broadcast Music Inc	New York	NY	7/6/2016
44	Vine Library Company LP	New York	NY	7/6/2016
45	(JOINT) Audio Visual Copyright Society Limited (trading as Screenrights)	NSW	Australia	7/3/2016
46	(JOINT) CBS Studios Inc, a CBS Company	Santa Monica	CA	7/6/2016
47	Left blank intentionally			
48	(JOINT) CBS Broadcasting Inc	New York	NY	7/7/2016
49	David Powell	Miami	FL	7/7/2016
50	(JOINT) Metro-Goldwyn-Mayer Studios Inc	Beverly Hills	CA	7/7/2016
51	(JOINT) Compact Collections Limited	London	UK	7/8/2016
52	WRC-TV, NBC Subsidiary LLC	Washington	DC	7/8/2016
53	WNBC, NBC Universal Media LLC	New York	NY	7/8/2016
54	Hearst Entertainment Inc	New York	NY	7/8/2016
55	KSLA LLC	Shreveport	LA	7/11/2016
56	Left blank intentionally			
57	Left blank intentionally			
58	Media General Holdings LLC	Richmond	VA	7/11/2016
59	WNBC, NBC Universal Media LLC	New York	NY	7/11/2016
60	WTVH Licensee Inc dba WTVH (TV); Sinclair Communications LLC	Syracuse	NY	7/11/2016
61	American Society of Composers, Authors, and Publishers	New York	NY	7/11/2016
62	(JOINT) Fox Entertainment Group Inc	Los Angeles	CA	7/15/2016
63	WNYT-TV LLC, Licensee of WNYT-TV	St. Paul	MN	7/15/2016
64	WHEC-TV LLC, Licensee of WHEC-TV	St. Paul	MN	7/15/2016
65	KSTP-TV LLC, Licensee if KSTP-TV	St. Paul	MN	7/15/2016
66	Steve Rotfeld Productions Inc	Bryn Mawr	PA	7/15/2016
67	(JOINT) MG Perin Inc	New York	NY	7/13/2016
68	International Management Group/Transworld International	Potomac	MD	7/12/2016
69	IMG Inc (International Management Group)	Potomac	MD	7/12/2016
70	(JOINT) SAG-AFTRA	Los Angeles	CA	7/13/2016
71	Left blank intentionally			
72	San Antonio Television LLC	San Antonio	TX	7/14/2016
73	Left blank intentionally			
74	Left blank intentionally			
75	Left blank intentionally			
76	Ruth Fowler	New York	NY	7/14/2016



# *State of Florida*

## *Department of State*

I certify from the records of this office that CIRCLE GOD NETWORK INC is a corporation organized under the laws of the State of Florida, filed on February 18, 2014, effective February 18, 2014.

The document number of this corporation is P14000015621.

I further certify that said corporation has paid all fees due this office through December 31, 2016, that its most recent annual report/uniform business report was filed on February 4, 2016, and that its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

*Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this  
the Fourth day of February, 2016*



*Ken Detmer*  
**Secretary of State**

Tracking Number: CC4583937716

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>



**EXHIBIT B**

**Petitions to participate in Phase II**

**Petitioner**

**Counsel**

Billy Graham Evangelistic Association

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**CABLE ROYALTY RATE DETERMINATION  
FILE APRIL 20, 2015**

Motion Picture Association of America,  
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**VIACOM  
DISNEY, PARAMOUNT,  
SONY PICTURES,  
20TH CENTURY FOX  
UNIVERSAL A COMCAST  
CO., WARNER BROTHERS**

National Association of Broadcasters

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**HOME SHOPPING INC. 202 408 7600**

**ARNOLD P LUTZKER  
LUTZKER & LUTZKER LLP  
1223 20 ST. NW  
WASH. D.C. 20036**

Distribution Case Scheduling Order - 5

**NO MUSIC CLAIMANTS**



**CROWELL & MORING**

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44-71-413-0011  
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February 23, 1996

**BY HAND DELIVERY**

Marybeth Peters, Register  
U.S. Copyright Office  
James Madison Memorial Building  
101 Independence Avenue, S.E.  
Room 403  
Washington, D.C. 20540

GENERAL COUNSEL  
OF COPYRIGHT

FEB 23 1996

RECEIVED

Re: 1990-1992 Cable Royalty Distribution Proceeding  
Docket No. 94-3 CARP-90-92CD

Dear Ms. Peters:

Enclosed for filing on behalf of all Phase I parties are an original and five copies of a "Stipulation of the Parties on the Issues of Program Categorization and Scope of Claims" in the above-captioned proceeding.

Should you have any questions, please feel free to contact me.

Very truly yours,



John I. Stewart, Jr.

Enclosures

cc: Service List



## Before the

## 1990-1992 Cable Royalty Distribution Proceeding

## **STIPULATION OF THE PARTIES ON THE ISSUES OF PROGRAM CATEGORIZATION AND SCOPE OF CLAIMS**

Since the first cable royalty distribution, covering 1978, the Copyright Royalty Tribunal divided its royalty distribution cases into Phase I and Phase II proceedings. In Phase I, the Tribunal allocated the entire royalty fund among broadly defined Phase I program categories. In Phase II, to the extent necessary, the Tribunal resolved disputes among different claimants or groups of claimants within a single Phase I category as to the internal division of the category's Phase I allocation.

The Phase I categories themselves developed over the course of the first five years of Tribunal proceedings. In response to requests by various parties for



rulings on close or disputed questions about particular programs, the Tribunal refined the category definitions through declaratory rulings and rulings published as part of its final determinations. See, e.g., 1984 Cable Royalty Distribution Proceeding, 52 Fed. Reg. 8408, 8416 (Mar. 17, 1987); Advisory Opinion, Docket No. CRT 85-4 84 CD (May 16, 1986). For the 1990-1992 proceeding, the parties stipulate that the following Phase I category definitions, based on these prior Tribunal rulings, should apply:

#### Phase I Program Category Definitions

"Program Suppliers." Syndicated series, specials and movies, other than Devotional Claimants programs as defined below. Syndicated series and specials are defined as including (1) programs licensed to and broadcast by at least one U.S. commercial television station during the calendar year in question, (2) programs produced by or for a broadcast station that are broadcast by two or more U.S. television stations during the calendar year in question, and (3) programs produced by or for a U.S. commercial television station that are comprised predominantly of syndicated elements, such as music video shows, cartoon shows, "PM Magazine," and locally hosted movie shows.

"Joint Sports." Live telecasts of professional and college team sports broadcast by U.S. and Canadian television stations, except for programs coming within the Canadian Claimants category as defined below.

"Commercial Television." Programs produced by or for a U.S. commercial television station and broadcast only by that one station during the calendar year in question and not coming within the exception described in subpart 3) of the "Program Suppliers" definition.

"Public Broadcasting." All programs broadcast on U.S. noncommercial educational television stations.

"Devotional Claimants." Syndicated programs of a primarily religious theme, not limited to those produced by or for religious institutions.

"Canadian Claimants." All programs broadcast on Canadian television stations, except (1) live telecasts of Major League Baseball, National Hockey League, and U.S. college team sports, and (2) other programs owned by U. S. copyright owners.



These categories are intended to cover all non-network television programs on all stations retransmitted as distant signals by U.S. cable systems during 1990-1992, on a mutually exclusive basis. The six categories are represented in the Phase I proceedings, respectively, by the undersigned parties. Some of those categories are principally represented by trade associations or other pre-existing entities, while others are represented by ad hoc groups of claimants within the category which have joined together for the purpose of the Phase I hearing. In either case, the relationships between the claimants and the Phase I representatives are a matter of private agreement and are not at issue in this Phase I proceeding. In all cases, the Phase I representatives are seeking a Phase I royalty allocation for all programs within the category.

The final distribution of royalties to individual claimants whose programs are within each category will follow either a settlement among all claimants within the category or the resolution of any disputes through a separate Phase II proceeding. The extent to which the particular Phase I party actually represents the ultimate interests of each and every claimant within the category has historically been addressed, if necessary, in Phase II.

A related issue is the extent to which timely claims were filed with the Copyright Office for all programs contained within each Phase I category. If the owner of a program that fits within one of the Phase I categories fails to file a claim, it might be argued that the Phase I allocation to the category should




somehow be proportionally diminished. This so-called "unclaimed funds" issue, however, was resolved by the Tribunal in the course of its 1978 proceeding. The Tribunal determined that, for Phase I purposes, it should treat each category as if claims had been filed for all included programs. 1978 Cable Royalty Distribution Determination, 45 Fed. Reg. 63026, 63042 (Sept. 23, 1980).

The parties stipulate that the Panel should apply the same approach in this proceeding as the Tribunal did in the past, and should allocate all royalties among the six Phase I categories on the basis of all retransmitted programs coming within the respective definitions of those categories.

The parties would be pleased to discuss any aspect of this Stipulation with the members of the Panel at the Panel's convenience.

Respectfully submitted,

**PROGRAM SUPPLIERS**

By: 

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John E. McCaffrey  
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Washington, D.C. 20036



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Michele J. Woods

**Covington & Burling**

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February 23, 1996



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Ottawa, Ontario K1G 3J5



**Copyright Royalty Judges  
Washington, D.C.**

**Motion Averement Notice has been given Pursant to ss. 360.24 (A-D)**

Pursant to ss. 360.24 (A-D), 360.21, 360.22 that now informing the Copyright Royalty Board Judges grant Notice order. That common Agent David Powell and or David Powell d/b/a Circle God Network Inc. content of notice regarding independent Administrator 17 U.S.C. ss. 1006(b)(1) and 1001 (7)(A)(D) motion notice.

Certifying that as of this date March 14, 2020 common agent has the authority and consent of the Participants to represent in any Dart proceedings as common agent and or David Powell, Pro Se for any subfunds MWF and or SRF/CO. To include any SRF nonfeatured Musicians and Vocalist. Administrator Address independent administrator by March 31, 2020. David Powell, POB 010950 Miami, FL. 33101 305 539-1755, [davidpowell008@yahoo.com](mailto:davidpowell008@yahoo.com).

Respectfully Submitted,

David Powell, Pro Se

POB 010950 Miami, FL. 33101 305 539-1755

[Davidpowell008@yahoo.com](mailto:Davidpowell008@yahoo.com)



**Proof of Delivery**

**I Hereby certify that on March 14, 2020 I provided a true copy of the Averement**

**Notice to the following:**

**Copyright Royalty Board Judges via electronic services**

**Signed /s/ David Powell, Pro Se**



**UNITED STATES COPYRIGHT ROYALTY JUDGES  
Washington D.C.**

*In re*

**DETERMINATION OF ROYALTY RATES AND  
TERMS FOR PERFORMANCE OR DISPLAY  
OF NONDRAMATIC MUSICAL WORKS AND  
PICTORIAL, GRAPHIC, AND SCULPTURAL  
WORKS BY PUBLIC BROADCASTING  
ENTITIES**

**DOCKET No. 16-CRB-0002 PBR  
2018-2022**

**SUPPLEMENTAL COUNTERAFFIDAVIT APPURTENANCE COMPULSORY  
COUNTERCLAIM ORDERED TO SHOW CAUSE NOT TO DISMISS PROVED UP**

Mr. Powell and Circle of God Network, Inc. has significant interest in this and any all other proceedings. Pursuant to 803(b)(2)(c) of the act is to set rates and term under the statutory license for certain uses. By public broadcasting entities set forth in section 118 of the copyright act 17 U.S.C. § 115 and 118. Rates and terms chilling effects cannot be made without congress U.S. Constitution Article I and officers of the court 18 USCA § 2384, 2385 nonfeasance. Aid and abet nondisclosure addressing the owner Mr. Powell ownership of Title's I-infinity esp. 17 and compulsory and statutory licenses smoking gun vested rights significant interest. The causation proof exists of interloper congress criminal coercion cahoots with corp. Piercing the corporate veil lobbying act 12 USCA § 261 and anti trust Laws 15 USCA § 1-7, § 12-27 active concealment complicity in musical works.

Direct injury in fact of Mr. Powell and Circle God Network, Inc, musical copyright's willful infringement. An having a significant interest as a claimant directly affected by the non participation. In determination of royalty rates and terms 2018-2022 as a license newcomer same as the big 3's pro's, record label's and music publishers. Due to all settling parties bad



motives for refusal to deal, boycott and blacklisted. The independent newcomer CGN Inc. In subpart A-C 37 CFR 385 & 17 USC § 115, 118. During voluntary negotiation period strategic alliances concerted actions inescapable peril. Proved up order to show cause not to dismiss based on legal grounds. Administrative willful wanton misconduct shown. By the Big 3's and its subsidiaries pervasive undue influence persuasion and power 5 USCA § 553 existed unlawful class-based animus intimidation conditions. Missing evidence rule spoliation retaliatory pattern conduct to settle up for the owning of the title's I - infinity by Mr. Powell. Significant interest liberty Interest and tangible interest as a licensor, licensee, licensing and exclusive license to royalty music fees.

The administrative agency is duty bound to cure. Zone of interest standing & third party standing equitable estoppel. The big 3's mention estoppel by negligence fortia accomplice liability 18 USCA § 2. Allowing principle to commit price fixing, horizontal competition criminal acts musical works necessary implication swindlers. To mislead royalty Judges forbearance discontinuance order towards settling parties (Lawyers) unlawful condition. That Mr. Powell and CGN, inc. denied full participation in any proceedings. Inescapable peril to impinge in nubibus significant vested interest rights immediate breach. The big 3's and Public broadcasting entities (PBIII) Lawyers cover up of musical works and licensing. The big 3's quasi offenses admission by silence assertion of material facts ownership of Title's, monopolization, and attempted monopolization U.S. v. Grinnel Corp., 384 U.S. 563, 86 S.Ct 1698(1966). In this proceeding and all other known and unknown proceedings joint trespass necessary implication.: Docket No.'s 16-CRB-001-SR/PSSR; 16 – CRB 003-P-PR BOTH (2018-2022); 14-CRB-001-WR(2016-2020) webcasting IV and III; 16 CRB -0013 Dart Mwf (2012-2013); 16 CRB-0010-SD(2014); 14-CRB-0006 Dart SR(CO/FA) 2013; 2011-2 CRB-NCEB; 2011-3 CRB-NCEB; 2011-1 CRB PSS Satellite II; and certain sports telecast 2015-



2019 (81 FR 24655) Cable royalty funds (81 FR 2425719) pervasive repeated legal prejudice shown monopoly power and suborn unlawful act in a secret underhanded manner.

2<sup>nd</sup> strongly corroborated bursting bubble theory supported from independent facts. That presumption disappears once the presumed facts have been contradicted rebut by credible evidence. Probative affirmative proof unfair prejudice substantiated truth established existence (see Att) significant interest proved up.

Certificate No. SRU 628-683 and, TXU 344-005 respectively. Claimant is the author/creator of the alleged work with additional pages not a successor in interest. Liberation movement repertory content contains music work among other confidential content inter alia. Such as sales or performance evidence, has met the minimum regulatory standard regarding the contents of a written direct statement. Sufficiency probable cause evidence Big 3's and settling parties criminal intent. Pervasive pattern monopolization, monopoly leveraging, monopoly power, attempted monopolization, and monopsony specific intent.

The liberation movement life story is about newcomer Mr. Powell and CGN, inc doing business with copyright licenses in the entertainment industry. Such as(film, music, sports, radio, TV, preexisting non and paid subscription providers) inter alia. As protection of my members paid subscribers third party standing, myself and CGN, inc Intellectual property rights from direct actual injury in fact. From the big 3's monopoly on licenses and anticompetitive conduct allied offenses (pinkerton rule); bad pervasive motives monopoly power and royalty denied payments pattern illegal per se.

Illegal per se theft by fortia deception public broadcast entities musical works and pictorial, graphic, and sculptural works infringement abettor. Such as display rights, right of publicity. look and feel protection, webcasting, adaptation rights, syndicated series, serial rights IE inter alia, SDARS III. Immendiate breach culpability settling parties, (soundexchange, inc.) Big 3's labels, Pro's and Publishing license rights. Pervasive pure and statutory



obligations money demand here and status report of economic and moral duress. Show caused proved up conclusive and statutory presumption of a prima facie case in this, any and all proceedings liberty interest. To include master copies, distribution rights and media royalty payments settle up, means, motive and opportunity. Pursuant 17 USC § 115, 101, 113, 118, 119 and subgroups 385 A-C again legal prejudice shown zone of interest standing.

Finally Mr. Powell owner of title's I-Infinity and CGN, Inc newcomer to Big 3's exclusive Club's to say I have no significant interest is now moot, without merit and baseless. Royalty Judges are duty bound to cure nonfeasance. for Mr. Powell and CGN, Inc., To secure all licenses from big 3's co. to issue my own title's exclusive, compulsory and statutory license for a royalty fee to big 3's and third party standing customers to do business worldwide. Judges Sua Sponte Mr. Powell verified Motion duty bound to cure digital statutory royalty payment to both claimants. For Digital Interactive Communication for refusal to deal, blacklisted and boycotted by Big 3's pervasive monopoly power musical works inescapable peril, 18 USCA ch 119 § 2510-2522. Thus using CGN, inc confidential business module vs traditional to track sale and songs social contract with U.S. Government. Cyber domain my clientele new and preexisting subscribers. For CGN, Inc. provider services and products and in Latin America Spanish Division AFME SAG – ASFTRA (Spanish TV, Radio, online streaming) inter alia confidential services license fee for title's and services. If you settlement agreement with big 3's you don't have to supply what the non settling parties have to give as proof. To use their license to received royalty payments as a member vs non members active concealment cahoots strategic alliances pervasive legal prejudice criminal intent monopoly power predicated pattern equitable estoppel and administrative collateral estoppel with their Parent Companies allied offense legal prejudice.

Necessary implications culpability immediate breach Comcast corp. AT&T, Inc., Google, Inc.



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Counsel For Education Media Foundation





# Notice of Use of Sound Recordings under Statutory License

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In accordance with 37 CFR 270.1, the transmission service named below hereby files with the Library of Congress, Copyright Office, a notice stating the service's intention to use the statutory license under sections 112(e) or 114(d)(2), or both, of title 17 of the *United States Code*, as amended by Public Law 104-39, 109 Stat. 336, and Public Law 105-304, 112 Stat. 2860.

Please enclose a check or money order for the \$20 nonrefundable filing fee, payable to "Register of Copyrights". Mail to:

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☐ Amended filing

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Please type or print the requested information for each item. If this is an amended filing, please indicate which item contains new information by checking the new information box to the left of that item.

## New Information

- ☒ 1 Name of service CIRCLE GOD NETWORK INC
- ☒ 2 Mailing address P.O. BOX 010950 MIAMI, FL 33101  
NOTE: A post office box is acceptable if it is the only address that can be used in that geographic location.
- ☒ 3 Telephone no. 305 539-1755
- ☐ 4 Fax no. \_\_\_\_\_
- ☒ 5 Website address of service http://DAVID POWELL 008@YAHOO.COM  
NOTE: Information must be provided on how to gain access to the online website or home page of the service, or where information may be posted under the regulations concerning the use of sound recordings.
- ☒ 6 Nature of license and category of service: (Check all that apply)
  - a Statutory license for digital transmissions, 17 U.S.C. § 114(d)(2)
 

<input checked="" type="checkbox"/> Preexisting subscription service	<input checked="" type="checkbox"/> Eligible non-subscription transmission service
<input checked="" type="checkbox"/> Preexisting satellite digital audio radio service	<input checked="" type="checkbox"/> New subscription service
  - b Statutory license for making ephemeral phonorecords, 17 U.S.C. § 112(e)
 

<input checked="" type="checkbox"/> Preexisting subscription service	<input checked="" type="checkbox"/> Eligible non-subscription transmission service
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  - ☒ A business establishment making ephemeral phonorecords in furtherance of an exempt digital transmission pursuant to 17 U.S.C. § 114(d)(1)(C)(iv)
- ☒ 7 Date or expected date of
  - a Initial digital transmission of a sound recording JAN 1, 2000
  - b Initial use of the section 112(e) license for the purpose of making ephemeral recordings of sound recordings JAN 1, 2000
- ☒ 8 Officer or authorized representative of service
  - a Name DAVID POWELL
  - b Title CHM
  - c Date 1 - 27 - 2014
  - d Signature David Powell
  - e Email address DAVID POWELL 008@YAHOO.COM

NOTE: The date of filing will be the date when the notice and fee are both received in the Copyright Office

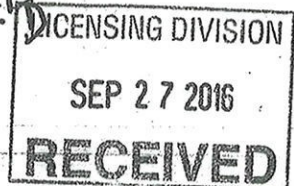




# Notice of Use of Sound Recordings under Statutory License

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Check, if applicable:

☐ Amended filing

Please enclose a check or money order for the nonrefundable filing fee, payable to *Register of Copyrights*. Mail to:

Copyright Royalty Board  
ATTN: Licensing Division  
PO Box 70977  
Washington, DC 20024-0977

Please type or print the requested information for each item. If this is an amended filing, please indicate which item contains new information by checking the "New Information" box to the left of that item.

## New Information

- ☒ 1 Name of service DAVID POWELL d/b/a CABLE SATELLITE MUSIC PUBLISHING ENTERTAINMENT INDUSTRY
- ☒ 2 Mailing address PO BOX 010950 MIAMI, FL 33101  
NOTE: A post office box is acceptable if it is the only address that can be used in that geographic location.
- ☒ 3 Telephone no. 305 539-1755
- ☐ 4 Fax no. \_\_\_\_\_
- ☒ 5 Website address of service http:// DAVID POWELL 008@YAHOO.COM  
NOTE: Information must be provided on how to gain access to the online website or home page of the service, or where information may be posted under the regulations concerning the use of sound recordings.
- ☒ 6 Nature of license and category of service: (Check all that apply)
 

<input checked="" type="checkbox"/> a Statutory license for digital transmissions, 17 USC §114(d)(2)	<input checked="" type="checkbox"/> Eligible nonsubscription transmission service
<input checked="" type="checkbox"/> Preexisting subscription service	<input checked="" type="checkbox"/> New subscription service
<input checked="" type="checkbox"/> Preexisting satellite digital audio radio service	
<input checked="" type="checkbox"/> b Statutory license for making ephemeral phonorecords, 17 USC §112(e)	<input checked="" type="checkbox"/> Eligible nonsubscription transmission service
<input checked="" type="checkbox"/> Preexisting subscription service	<input checked="" type="checkbox"/> New subscription service
<input checked="" type="checkbox"/> Preexisting satellite digital audio radio service	
<input checked="" type="checkbox"/> A business establishment making ephemeral phonorecords in furtherance of an exempt digital transmission pursuant to 17 USC §114(d)(1)(C)(iv)	
- ☒ 7 Date or expected date of
 

a Initial digital transmission of a sound recording	<u>JAN. 1, 2000</u>
b Initial use of the §112(e) license for the purpose of making ephemeral recordings of sound recordings	<u>JAN. 1, 2000</u>
- ☒ 8 Officer or authorized representative of service
 

a Name	<u>DAVID POWELL</u>
b Title	<u>OWNER</u>
c Date	<u>9.12.2016</u>
d Signature	<u>David Powell</u>
e Email address	<u>DAVID POWELL 008@YAHOO.COM</u>

NOTE: The date of filing will be the date when the notice and fee are both received in the Copyright Office.

**Privacy Act Notice:** Sections 112 and 114 of title 17 of the *United States Code* authorizes the Copyright Office to collect the personally identifying information (PII) requested on this form in order to process your Notice of Use. PII is any personal information that can be used to identify or contact an individual, such as names, addresses, and telephone numbers. By providing PII, you are agreeing to the routine use of it to establish and maintain a public record, which includes appearing in the Office's public indexes. The effects of not providing the PII requested are that it may delay the processing of your Notice of Use, and it may affect the legal sufficiency of the filing, a determination that would be made by a court of law.



INTERNET ONLINE

CREATE A CGN BOARD

RIGHT HOLDERS & MEMBERS

DISTRIBUTIONS ARE MADE APPROX. 3 TO 4 TIMES A YR

1. SURCHARGE

2. ADMIN. FEES

COLLECTIVE AGENCY

LICENSING BODIES COLLECTIVE MGMT. GRANTS

ORGANIZATION OFFERS LICENSES TO (USERS) FOR THE USE OF COPYRIGHT WORK

GRANTS RIGHTS ON BEHALF OF MULTIPLE RIGHTS HOLDERS IN A SINGLE (BLANKET) LICENSE FOR A SINGLE PAYMENT

THE CMO CHARGES A FEE FOR THE LICENSE FROM WHICH IT DEDUCTS AN ADMINISTRATIVE CHARGE BEFORE DISTRIBUTING THE REMAINDER AS ROYALTIES TO THE RIGHTS HOLDERS (COMMON AGENTS) TO THEIR MEMBERS. TYPICALLY NOT FOR PROFIT ORGANIZATIONS.

LICENSING OF ONLINE MUSIC AND ONLINE MUSIC SERVICES (SUCH AS AMAZON) APPLE.

- LICENSE TO USE MUSIC ON THE RADIO - BROADCAST COPYRIGHT MUSIC ON THE RADIO LIKELY TO NEED LICENSES FROM PRO MUSIC & PHONOGRAPHIC PERFORMANCE LIMITED (PPL) MEMBERS

MUST HAVE AGREEMENTS W/ SOCIETIES IN OTHER COUNTRIES, SO CGN MEMBERS CAN BE PAID FOR MUSIC OUTSIDE THE U.S. SUCH AS THE UNITED KINGDOM. CGN LICENSE THE USE OF OUR CGN MEMBERS MUSIC BY BUSINESSES, ONLINE, IN BROADCASTS, FILM, FOR LIVE PERFORMANCE. AS RECORDED PRODUCTS



NEED A DISTRIBUTOR AS CGN  
E-LICENSING 0800 085 6644 (8-5 PM)

PRS MUSIC AS A WRITER OR PUBLISHER

SIGN IN ONLINE ACCOUNT AS A CGN MEMBER  
TYPE OF LICENSES SUCH AS: 1) LIMITED  
MANUFACTURE LICENSE, <sup>2)</sup> LIMITED  
(INTERACTIVE) ONLINE MUSIC LICENSE, 3) DJ  
MIXES (PRO DUB) LICENSE, 4) PRODUCTION  
MUSIC LICENSE

INTELLECTUAL PROPERTY OFFICE IN UK  
MONITORS & ENFORCES COMPLIANCES

\*- YOU NEED A LICENSE FROM THE COPYRIGHT  
LICENSING AGENCY TO OPERATE AS CGN TO  
REPRESENT A BUSINESS, A PUBLIC SECTOR  
ORGANIZATION, OR AN EDUCATIONAL ESTAB-  
LISHMENT

MEMBER SERVICE SUPPORT TICKET NO. UQOV3



## **ROYALTY REPAYMENT AGREEMENT (DART)**

This Royalty Repayment Agreement (Agreement) is made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between **Broadcast Music, Inc., the American Society of Composers, Authors and Publishers, SESAC, Inc., and The Harry Fox Agency, LLC** as the designated agents (Agents) for DART royalty recipients (Claimants), and the Library of Congress, **Copyright Office**, Washington, D.C. (Copyright Office).

### **This Agreement is made with reference to the following facts.**

The Agents represent Claimants in the distribution proceeding before the Copyright Royalty Judges bearing docket number of **16-CRB-0013 DART-MWF (2012-2013)**.

Under the provisions of 17 U.S.C. § 1003, manufacturers, importers, and distributors of digital audio recording devices, interface devices, or media deposit royalty fee payments (DART Royalties) with the Copyright Office for administration and investment pending later distribution by the Librarian of Congress upon authorization by the Copyright Royalty Judges (Judges).

Pursuant to 17 U.S.C. § 801(b)(3)(C), at any time after interested copyright owners file claims to royalties under 17 U.S.C. § 1007, upon motion of the Agents on behalf of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, the Judges may authorize a partial distribution of deposited royalty fees, *provided*, based upon all responses received during the 30-day period following publication, the Judges conclude that no claimant entitled to receive any portion of the deposited fees has stated a reasonable objection to the partial distribution.

As a condition precedent to any partial distribution of deposited fees, all claimants entitled to receive such fees must, by and through the Agents, (1) agree to the partial distribution; (2) sign this Agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination of the distribution of fees made under 17 U.S.C. § 801(b)(3)(B); (3) file the original signed Agreement with the Judges and deliver simultaneously a copy of the signed Agreement to the Copyright Office;; and (4) agree that the deposited funds are available for distribution; and

The Claimants, by and through the Agents, made a motion for partial distribution (95 percent) of the 2012 and 2013 DART Musical Works Fund Royalties (Music Publishers and Writers Subfunds), and the Judges published a request for responses to the motion in the Federal Register.

The Judges concluded in their July 31, 2017, *Order Granting Claimants' Request for Partial Distribution of 2012 Through 2013 DART Musical Works Fund Royalties*, Docket No. 16-CRB-0013 DART-MWF (2012-2013) (Partial Distribution Order), that no Claimant entitled to any portion of the deposited funds has stated a reasonable objection to the proposed partial distribution.

### **The Claimants and the Copyright Office agree as follows:**

- (1) The Claimants, by and through the Agents, agree to the proposed partial distribution and represent that the deposited funds are available for distribution.
- (2) The Claimants, as represented by the Agents, intend to and will return any excess amounts (including interest equal to the amount that would have accrued if the principal had remained on deposit with the Copyright Office) to the extent necessary to comply with the Final Determination regarding distribution of the subject fees made under 17 U.S.C. § 801(b)(3)(B).



- (3) The Copyright Office will, on or after August 24, 2017, and upon receipt of this signed Agreement, make a partial distribution of 95 percent of the 2012 and 2013 DART Musical Works Fund Royalties (Music Publishers and Writers Subfunds) to the Agents in the following dollar amounts:

2012: \$573,853.52

2013: \$199,755.98

The Agents will promptly distribute funds to the Claimants.

- (4) The Copyright Office will maintain, administer, and invest the remaining 2012 and 2013 DART Musical Works Fund Royalties (Music Publishers and Writers Subfunds) to settle all outstanding claims.
- (5) The Claimants will repay royalties in the event the Final Determination results in a distribution order requiring reallocation of the funds distributed pursuant to the Partial Distribution Order, including any award or awards to a claimant or claimants made by competent authority (*i.e.*, the Judges, the United States Court of Appeals for the District of Columbia Circuit, or the Supreme Court of the United States).
- (6) The Claimants, by and through the Agents, agree to remit, and bind any successor(s) in interest or distributee(s) of the Agents or any Claimant to remit, to the Copyright Office, within 30 days of the date the Copyright Office gives notice, the amount specified in the notice from the Copyright Office to make the distribution required by the Final Determination.

**Signatures:**

This Royalty Repayment Agreement may be signed in counterparts, each of which is binding upon the Agent signing it and all of which, taken together, constitute one and the same original document.

**Agents:** The undersigned Agents certify that they are the Agents or the duly authorized representatives of the Agents for the Claimants and have the express authority to enter into this Royalty Repayment Agreement on behalf of the Claimants. Penalties for fraud and false statements are set forth in 18 U.S.C. § 1001 et seq.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Typed or printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Name of Agent: **Broadcast Music, Inc. (BMI)**

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



CONCURRENT JURISDICTION

U.S. COURTS OF APPEALS  
11TH CIRCUIT ATL. GA

4-11-02

CONFIDENTIAL U.S. COURT OF APPEALS  
CONTINUOUS ACTION FOR THE FEDERAL CIRCUIT

PG  
8 of 26

RE: 03-10816 EE  
RE: 05-5098

PG 10 of 8

C.I.A.

DAVID POWELL, ETAL PLAINTIFF(S)

FRAP 44 (A,B)

U.S. OF ATT. ETAL DEFENDANT(S)

Re: Payment of Attorney's Fees & Affidavit in Support  
of Attorney's Fees in Excess of Statutory Guideline

CLERK OF COURTS ATTENDMENTED

I'm filing motion w/ the courts to Request NOW  
Payment of Lawyer Fees, Royalties Fee & All others  
fees including all court cost and all Reimbursement.

In addition, I file motion w/ the courts to be  
PAID ALL FUTURE LAWYER FEES, ROYALTIES FEES AND ALL other  
FEES forever for myself, my dad and all others  
SINGULARLY OR A CLASS ACTION LAWSUIT FOR ANY REPRESENTATION  
KNOWN OR UNKNOWN EX. (INDIVIDUALS, CORPORATIONS, B.O.I.),  
Trustees, owners, CEO, government, and all others known  
& unknown) Pay me or my TRUST 40% of their Final  
Judgement for any & all type of legal court forum  
in the world where a final verdict is rendered. See ATT

This includes 1st time certified question & 1st  
time certified challenge of opinion rendered by  
the courts. Thank you for my Relief given.

INCLUDING FRAP 44 (A,B) ELECTORAL VOTES HAWAII ALASKA  
EQUAL FOOTING ENROLLED BILL, UNIFORM ACT VOTING RIGHTS ACT  
92 USCA 33 1971-1974 GUARANTEE TRUST  
CERTIFY CONCEPTION OF INVENTION

PS RETURN COPY  
STAMPED  
FOR THE RECORD

MAY GOD BLESS  
DAVID POWELL PRO SE  
P.O. BOX 010950  
MIAMI, FL 33101

APR 12 2002

Judges of  
Compensation Claims  
Miami, Florida

EXHIBIT B 10 of 8



~~CONFIDENTIAL~~  
CONTINUOUS ACTION FOREVER

CLAIM NO: POWELL, DAVID ET AL PLAINTIFF(S)  
U.S. ATT ET AL DEFENDANT(S)

PG 2

ATTORNEY FEE DATA SHEET

- I. AMOUNT OF FEE: 40%
- II. PARTY PAYING FEE: CLAIMANT: \_\_\_\_\_ CARRIER: Both: v
- III. FEE IS PURSUANT TO: ORDER \_\_\_\_\_ STIPULATION: Both: v  
IF AGREEMENT: STRAIGHT STIPULATION: NO  
OR SETTLEMENT PER 440.20(1)(a) \_\_\_\_\_ OR (b) \_\_\_\_\_ OR (c) v OR (OTHER) YES v
- IV. DATE OF ORDER AWARDING FEE OR APPROVING AGREEMENT: \_\_\_\_\_  
RULES 1.15, 1.005 (D), (E), (F) 15 U.S.C. 1254 (2) AUTHORIZED BY COURT 28 U.S.C.
- V. BASIS FEE:  
21 DAY RULE \_\_\_\_\_  
CLAIM FOR MEDICAL BENEFITS ONLY \_\_\_\_\_ (01)  
ISSUE OF COMPENSABILITY \_\_\_\_\_ (02)  
FAILURE OF CARRIER TO COMPLY WITH PRIOR ORDER \_\_\_\_\_ (03)  
MODIFICATION OF PRIOR ORDER AWARDING FEES \_\_\_\_\_ (04)  
BAD FAITH HANDLING OF CLAIM BY CARRIER \_\_\_\_\_ (05)  
PRE PETITION DEPOSITION \_\_\_\_\_ (06)  
SANCTIONS \_\_\_\_\_ (07)  
NOTICE OF DENIAL \_\_\_\_\_ (08)  
\_\_\_\_\_ (09)
- VI. FEE IS BASED UPON THE FOLLOWING CLASS OF BENEFITS:  
ALL of the ABOVE IN V KNOWN & UNKNOWN & 3 CERTIFICATION
- VII. MONETARY VALUE OF BENEFITS IS BASED ON, IF KNOWN:  
UNLIMITED
- VIII. FEE IS LESS THAN \_\_\_\_\_ EQUAL TO \_\_\_\_\_ MORE THAN v  
STATUTORY FORMULA OF 25/20/15 OR IF APPLICABLE, 20/15/10.
- IX. AMOUNT AND REASON FOR VARIANCE: UNLIMITED 1st TIME CERTIFIED  
QUESTIONS & CERTIFIED CHALLENGE, INTELLECTUAL PROPERTIES & ALL  
TRADE SECRETS, RECIPIES, FORMULA KNOWN & UNKNOWN FOREVER w/ PLAGIARISM  
THE ABOVE INFORMATION IS CERTIFIED AS TRUE AND CORRECT BY THE  
UNDERSIGNED.

David Powell Prose  
ATTORNEY FOR CLAIMANT



C.I.A  
DAVID POWELL ET AL  
VS  
U.S. OF AM. ET AL

DIV. OF WORKERS COMPENSATION  
CLAIM NO.: 1262192  
OFFICE OF JUDGES COMPENSATION  
CLAIM (O.J.C.C.)  
CLAIM NO. 91-000024 TMA  
PENDING PATENT DISCLOSURE DOCUMENT  
558098

**AFFIDAVIT IN SUPPORT OF ATTORNEY'S FEES  
IN EXCESS OF STATUTORY GUIDELINE ATTENDED**

STATE OF FLORIDA  
COUNTY OF DADE, U.S. & WORLDWIDE

After being duly sworn, David Powell Pro Se, Esq., attorney for  
claimant in this matter, in support of approval of an attorney fee which exceeds the otherwise  
applicable statutory guideline fee, affirms and states as follows: IMMIGRATION, TITLE, GOLD BLOCKS,

1. The affiant has been instrumental in obtaining the following benefits for claimant: ODD-LOT  
(SETTING CERTIFIED QUESTIONS CHALLENGES, ENABLEMENT REQUIREMENTS  
VOTING RIGHTS ACT, 42 USC 1973-1977, PATENTS, COPYRIGHTS, TRADEMARKS,  
(List applicable monetary and/or medical benefits) SERVICE MARKS, INTELLECTUAL PROPERTIES, TRADE SECRETS, RECIPES, FORMULAS,  
ON) ALL OTHERS KNOWN & UNKNOWN ELUSIVE RIGHTS & PERMISSION RESERVED FOREVER, &  
2. The guideline fee as set forth in §440.34, Florida Statutes (state applicable year) FRAP (A, B)  
is \$ \_\_\_\_\_

3. The affiant has expended UNLIMITED hours in securing the above on behalf of  
the claimant;

4. The statutory guideline fee should be enhanced because of the following statutory: TUCKER ACT  
U.S. CONSTITUTION, ARTICLE I, BILL OF RIGHTS, ALL TITLES I-INFINITY, ALL TITLES U.S.C.  
1-INFINITY, ALL C.F.R., 1-INFINITY, ONE REVISED CODE 1-INFINITY, INTERNATIONAL LAW  
factors: (List applicable statutory factors, including hourly rate claimed)  
1-INFINITY, ARTICLE I-INFINITY, NATO PACE (REAT) ALL STATES, AMENDMENTS  
5. INCLUDING REVERSE DISCRIMINATION, INSTITUTIONAL BIAS, 12 USC 5519-1974  
That a reasonable attorney fee for claimant counsel in this matter is in the amount ELECTORAL #6 VOTE

of UNLIMITED; and BONUSES, PERKS, GRATUITY, KNOWN & UNKNOWN  
FOREVER INCLUDING ROYALTIES FEES, MINIMUM-ROYALTY CLAUSE,  
MEANS-PLUS-FUNCTION, HEAD-START INJUNCTION, GOLD BLOCKS,  
LOOK & FEEL PROTECTION, DISPLAY RIGHTS, & RIGHT OF PUBLICITY FOR  
MANIFEST INJUSTICE OF LANDMARK DECISIONS WHEN ENABLING  
CLAUSE, ENACTING CLAUSE, & ENABLING SOURCE AFFORCEMENT  
EXIGENCY OF AFFIRMATIVE ACTIONS USC 17635 W/PLAGIARISM  
POLITICAL OFFENSE FOR BANNITO DISPLACEMENT MALO  
ANITTO, ZONE-OF- DANGER RULE, DISPOSING CLAUSE, &  
WHITCAPPING. ZONE-OF-EMPLOYMENT, ZONE OF INTEREST  
STANDING THIRD PARTY STANDING CLASS-BASED ANIMUS W/  
CONCEPTION OF INVENTION(S). AGE DISCRIMINATION IN  
EMPLOYMENT ACT 29 USC 621-634, LANDMARK DECISION.  
AGGRAVATION RULE & CHANGE OF CONDITION.



6. Claimant's counsel certifies that no fee for obtaining the above benefits has previously been paid.

PG 4

7. The affiant has fully discussed this matter with the claimant/client, who has agreed to payment of the fee as set forth above in paragraph no. 5.

DATED at Miami Florida this 11 day of APRIL, 2002

DAVID ROWELL  
(Claimant's attorney's name and address)  
P.O. BOX 010950  
MIAMI FL 33101

By: Donald Powell Prose  
(Claimant's attorney)  
FL-OC # P400163582844

SWORN TO AND SUBSCRIBED before me this 11 day of APRIL, 2002 by (Claimant's attorney), who is personally known to me and who did take an oath.

(Notary's name)  
NOTARY PUBLIC  
STATE OF FLORIDA AT LARGE



Martin A. Alexander  
MY COMMISSION # CC74857 EXPIRES  
February 22, 2005  
BONDED THRU TROY FARM INSURANCE, INC.

My commission expires:

EX. 13 4 of 8



Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, DC

_____	)	
In the Matter of	)	Consolidated Docket
Distribution of Cable Royalty Funds	)	No. 16-CRB-0009-CD (2014-17)
	)	
_____	)	

**JOINT PETITION TO PARTICIPATE**

In response to the Copyright Royalty Judges' Federal Register notice, dated February 8, 2019, 84 Fed. Reg. 2930 (the "Notice"), National Public Radio, Inc. ("NPR") hereby submits this joint petition to participate in the above-captioned proceeding on behalf the entities listed below and in Attachment A hereto attached and incorporated by reference herein ("NPR Joint Claimants").<sup>1</sup> The Notice announced, *inter alia*, the commencement of a proceeding to determine the distribution of the 2014, 2015, 2016, and 2017 royalty funds deposited with the Copyright Office under the statutory license for secondary transmissions by cable systems. 84 Fed. Reg. at 2930; *see* 17 U.S.C. § 111.

Pursuant to 37 C.F.R. § 351.1(b)(2)(ii)(A), the identifying information for the person filing this petition is as follows:

National Public Radio, Inc.  
Attn: Gregory A. Lewis  
Office of the General Counsel  
1111 North Capitol Street, NE  
Washington, DC 20002  
Phone: (202) 513-2050  
Fax: (202) 513-3021  
[glewis@npr.org](mailto:glewis@npr.org)

<sup>1</sup> NPR respectfully reserves its right to modify the attached list in response to rulings of the Copyright Office or the Copyright Royalty Judges, the acquisition of additional evidence, or the filings of additional claimant parties.

ADDED AFTER DEADLINE YRS IN ANY  
JULY



Pursuant to 37 C.F.R. § 351.1(b)(2)(ii)(B), the NPR Joint Claimants are listed as follows:

National Public Radio, Inc.  
State University of New York, Oswego  
Vermont Public Radio  
West Virginia Educational Broadcasting Authority  
Southern California Public Radio  
Minnesota Public Radio  
Spokane Public Radio, Inc.  
Community Radio for Northern Colorado  
University of Southern California  
Northern Community Radio, Inc.  
Hawaii Public Radio  
Board of Regents, University of Wisconsin System  
San Diego State University Board of Regents  
Santa Monica Community College District  
The Curators of the University of Missouri  
Pacific Lutheran University, Inc.  
Pacific Public Media  
The University of Tulsa  
Pittsburg State University  
South Dakota Public Broadcasting  
Western New York Public Broadcasting Association  
The Pennsylvania State University  
Pittsburgh Community Broadcasting Corporation

NPR will participate in both the Allocation Phase and the Distribution Phase of this consolidated cable royalty distribution proceeding on behalf of the Joint Claimants, including NPR, on the basis of their broadcast programming having been retransmitted by cable systems as distant signals during each of the 2014-2017 claim years. *See* 37 C.F.R. § 351.1(b)(2)(ii)(C). NPR has received a share of cable royalties on its behalf and on behalf of NPR Member licensees since the earliest proceedings for determining the distribution of cable royalty funds under the Section 111 compulsory license. 17 U.S.C. § 111; *see* 47 Fed. Reg. 9879 (1982). By virtue of this sustained receipt of cable royalty funds over several decades, the continued distant cable retransmission of NPR- and NPR Member-produced non-music broadcast programming, and the distant cable retransmission of such programming during each of the years 2014-2017 as described



and illustrated in the joint cable royalty claims NPR timely filed on behalf of the NPR Joint Claimants, the NPR Joint Claimants have a “significant interest” in the distribution of the 2014-2017 cable royalty funds.

The undersigned certifies that, as of the date of submission of this joint petition, NPR has the authority and consent to represent the NPR Joint Claimants with respect to this cable royalty distribution proceeding.

Pursuant to 37 C.F.R. § 351.1(b)(4), the \$150.00 filing fee is being submitted electronically in connection with the filing of this petition.

Respectfully submitted,

/s/ Gregory A. Lewis

Jonathan D. Hart

DC Bar No. 404828

Gregory A. Lewis

DC Bar No. 420907

NATIONAL PUBLIC RADIO, INC.

1111 North Capitol Street, NE

Washington, DC 20002

Telephone: (202) 513-2050

Fax: (202) 513-3021

[glewis@npr.org](mailto:glewis@npr.org)

Date: March 11, 2019



**Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, DC**

*In re*

**DISTRIBUTION OF SATELLITE  
ROYALTY FUNDS**

**CONSOLIDATED DOCKET NUMBER  
16-CRB-0010 SD (2014-17)**

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**JOINT PETITION TO PARTICIPATE OF MUSIC CLAIMANTS  
BMI, ASCAP, AND SESAC**

Pursuant to 37 C.F.R. § 351.1(b)(2)(ii) and in response to the January 3, 2019 notice of the Copyright Royalty Judges (the “Judges”) published at 84 Fed. Reg. 2930 (Feb. 8, 2019) (the “Notice”), Broadcast Music, Inc. (“BMI”), the American Society of Composers, Authors and Publishers (“ASCAP”), and SESAC Performing Rights, LLC<sup>1</sup> (“SESAC” and, together with BMI and ASCAP, “Music Claimants”) hereby submit this Joint Petition to Participate in the Allocation Phase and Distribution Phase of the above-captioned distribution proceeding for the 2014-2017 Satellite royalty funds (the “Proceeding”). Music Claimants intend to participate fully in the Proceeding.

Music Claimants are performing rights societies, as defined in Section 101 of the Copyright Act, 17 U.S.C. § 101, that collectively represent hundreds of thousands of composer, lyricist, songwriter, and publisher members and affiliates with combined repertoires of millions of copyrighted musical works. On behalf of their members and affiliates, BMI, ASCAP, and SESAC license the public performance rights granted to their respective members and affiliates as copyright

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<sup>1</sup> Formerly SESAC, Inc.



owners under Section 106(4) of the Copyright Act (17 U.S.C. § 106(4)). BMI, ASCAP, and SESAC are also each affiliated with about ninety foreign performing rights societies around the world and license the repertories of those societies in the United States. BMI, ASCAP and SESAC have historically been known as the “Music Claimants” in allocation and distribution proceedings before the Judges and their predecessors.

### **ALLOCATION PHASE**

As stated in Music Claimants’ Comments on the Existence of Controversies submitted in the Proceeding on December 10, 2018 (the “Comments”), Music Claimants have not reached a settlement with any other Allocation Phase claimant group regarding the allocation of any portion of the 2014 through 2017 Satellite royalty funds. Accordingly, an Allocation Phase controversy exists regarding the allocation of the Music Claimant share of the 2014 through 2017 Satellite royalty funds, and Music Claimants jointly request to participate in the Allocation Phase of the Proceeding to determine the Music Claimant share of such funds.

As requested in the Notice, Music Claimants set forth their claims to Section 119 royalties at issue in this Proceeding as follows:

<b>Claimant</b>	<b>Claim Year</b>	<b>Claim Number</b>	<b>Claim Type</b>	<b>Program Category<sup>2</sup></b>
BMI	2014	29	Joint claim	Music Claimants
BMI	2015	43	Joint claim	Music Claimants
BMI	2016	12	Joint claim	Music Claimants
BMI	2017	1	Joint claim	Music Claimants
ASCAP	2014	1	Joint claim	Music Claimants
ASCAP	2015	61	Joint claim	Music Claimants
ASCAP	2016	11	Joint claim	Music Claimants
ASCAP	2017	29	Joint claim	Music Claimants

<sup>2</sup> The Judges have defined the program category of “Music Claimants” as “Musical works performed during programs that are in the following categories: Program Suppliers, Joint Sports Claimants, Commercial Television Claimants, and Devotional Claimants.” *See* Amended Notice of Participant Groups, Commencement of Voluntary Negotiation Period (Allocation) and Scheduling Order, Consolidated Proceeding No. 14-CRB-0011-SD (2010-13) (Dec. 1, 2015) at Exhibit A.



**Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, DC**

*In re*

**DISTRIBUTION OF CABLE ROYALTY  
FUNDS**

**CONSOLIDATED DOCKET NUMBER  
16-CRB-0009 CD (2014-17)**

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**COMMENTS OF MUSIC CLAIMANTS BMI, ASCAP, AND SESAC  
ON THE EXISTENCE OF CONTROVERSIES**

The Copyright Royalty Judges (“Judges”) have requested comments pursuant to their notice of November 5, 2018 as to whether controversies exist among claimants to the 2014 through 2017 Cable royalty funds regarding the distribution of such funds. 83 Fed. Reg. 56,106 (November 9, 2018). Broadcast Music, Inc. (“BMI”), the American Society of Composers, Authors and Publishers (“ASCAP”), and SESAC, Inc. (“SESAC”)<sup>1</sup> (“Music Claimants”) submit these comments to report on the status of Allocation Phase and Distribution Phase controversies in the music claimant category with regard to the 2014 through 2017 Cable royalty funds.

**ALLOCATION PHASE**

\* Music Claimants have not reached a settlement with any other Allocation Phase claimant group regarding the distribution of any portion of the 2014 through 2017 Cable royalty funds.

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<sup>1</sup> BMI, ASCAP and SESAC collectively represent hundreds of thousands of composer, lyricist, songwriter, and publisher members and affiliates with combined repertoires of millions of copyrighted musical works. On behalf of their members and affiliates, BMI, ASCAP, and SESAC license the public performance rights granted to their respective members and affiliates as copyright owners under Section 106(4) of the Copyright Act (17 U.S.C. § 106(4)). BMI and ASCAP are also affiliated with about ninety foreign performing rights societies around the world and license the repertoires of those societies in the United States. BMI, ASCAP and SESAC have historically been known as the “Music Claimants” and are referred to herein as such.

\* 2010-2013 NO T REACHED



Accordingly, an Allocation Phase controversy exists regarding the allocation of such funds to the music claimant category.

**DISTRIBUTION PHASE**

Music Claimants have executed confidential settlement agreements among themselves with regard to the 2014 through 2016 Cable royalties. Additionally, BMI and ASCAP have executed a confidential settlement agreement with regard to the 2017 Cable royalties.

Accordingly, a Distribution Phase controversy regarding the distribution of 2017 Cable royalty funds currently exists between BMI and ASCAP, on the one hand, and SESAC, on the other. If a Distribution Phase claim to any of the 2014 through 2017 Cable royalty funds is made by any other party in the music claimant category, a Distribution Phase controversy would exist with regards to the claim(s) filed by such party.

Respectfully submitted,

**AMERICAN SOCIETY OF COMPOSERS, BROADCAST MUSIC, INC.  
AUTHORS AND PUBLISHERS**

/s/ Samuel Mosenkis /jtc

Samuel Mosenkis

NY # 2628915

ASCAP

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New York, NY 10107

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[smosenkis@ascap.com](mailto:smosenkis@ascap.com)

/s/ Joseph J. DiMona /jtc

Joseph J. DiMona

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Hope Lloyd

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BROADCAST MUSIC, INC.

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[jdimona@bmi.com](mailto:jdimona@bmi.com)



/s/ Jennifer T. Criss/

Brian A. Coleman

DC Bar No. 429201

Jennifer T. Criss

DC Bar No. 981982

DRINKER BIDDLE & REATH LLP

1500 K Street, NW, Suite 1100

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[brian.coleman@dbr.com](mailto:brian.coleman@dbr.com)

[jennifer.criss@dbr.com](mailto:jennifer.criss@dbr.com)

**SESAC, INC.**

/s/ Christos P. Badavas /jtc

Christos P. Badavas

NY # 2673838

SESAC, INC.

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New York, NY 10019

Telephone: (212) 586-3450

[cbadavas@sesac.com](mailto:cbadavas@sesac.com)

/s/ John C. Beiter /jtc

John C. Beiter

TN Bar No. 12564

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Nashville, TN 37212

Telephone: (615) 488-0088

[john@beiterlaw.com](mailto:john@beiterlaw.com)

Dated: December 10, 2018



## CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of December, 2018, a copy of the foregoing  
Comments of Music Claimants BMI, ASCAP, and SESAC on the Existence of Controversies  
was served through the eCRB system on the parties listed below.

John I. Stewart, Jr.  
David Erwin  
Ann Mace  
Brendan Sepulveda &  
CROWELL & MORING LLP  
1001 Pennsylvania Ave., NW  
Washington, DC 20004-2595

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Benjamin S. Sternberg  
Jeannette M. Carmadella  
LUTZKER & LUTZKER LLP  
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Michael A. Warley  
Jessica T. Nyman  
PILLSBURY WINTHROP SHAW PITTMAN  
LLP  
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Washington, DC 20036

Iain McPhie  
Ritchie T. Thomas  
SQUIRE PATTON BOGGS LLP  
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Gregory A. Lewis  
NATIONAL PUBLIC RADIO, INC.  
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Daniel A. Cantor  
Michael Kientzle  
Bryan L. Adkins  
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Lucy Holmes Plovnick  
Alesha M. Dominique  
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Philip R. Hochberg  
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12505 Park Potomac Avenue, Suite 600  
Potomac, MD 20854

L. Kendall Satterfield  
SATTERFIELD PLLC  
1629 K Street, NW, Suite 300  
Washington, DC 20006



Brian D. Boydston  
PICK & BOYDSTON, LLP  
2288 Westwood Blvd., Ste. 212  
Los Angeles, CA 90064

/s/ Jennifer T. Criss  
Jennifer T. Criss



**Copyright Royalty Judges  
Washington, D.C.**

**Distribution of 2014 Dart Royalty Funds**

**Docket No. 15-CRB-0011- SRF(CO)  
2014**

**Reply To AARC Response In Opposition to CGN Motion To Dismiss AARC**

CGN INC. d/b/a David Powell reply in opposition to AARC 11-25-19 letter to dismiss 2<sup>nd</sup> under false pretext reply. Morgan Presumption shifts burden of proof to AARRC artist(s) and record labels. AARC contractual authorization letter by their hand full of claimant(s) to claim 100% pattern footnote 1 of their tens of thousands they represent w/ up to date personal signatures to represent in this 2014 proceedings.

2<sup>ND</sup> cut checks proof of 2014 and prior Royalty payments amounts to their artists and record labels. Minus fees, administrative cost, lawyer fees, and other associated cost of their representation. Plus AARC own tax deduction to the IRS and their 1096 forms to IRS of Payments to claimants. Then their 1099 forms or W-2 to claimants of end year total Royalty Payments made (business records exception) as compliant.

**WHEREFORE,** in view of the foregoing accomplice liability, it is clear that AARC position is w/o authentic matter of record proof presented is baseless, w/o merit, and moot should be immediately dismissed from the 2014 DART SRF distribution proceedings. Requested no extension motion and or got consented approval by CGN INC. and other participants. Ecrb system was not established online to 2017 to appearance of fraud on the courts as stated in 11-24-19 opposition.



# Proof of Delivery

I hereby certify that on Friday, June 19, 2020, I provided a true and correct copy of the Reply to Judges order to show cause not to dismiss participants to the following:

Commercial Television Claimants / National Association of Broadcasters, represented by John Stewart, served via ESERVICE at [jstewart@crowell.com](mailto:jstewart@crowell.com)

Multigroup Claimants, represented by Brian D Boydston, served via ESERVICE at [brianb@ix.netcom.com](mailto:brianb@ix.netcom.com)

Devotional Claimants, represented by Arnold P Lutzker, served via ESERVICE at [arnie@lutzker.com](mailto:arnie@lutzker.com)

Program Suppliers, represented by Alesha M Dominique, served via ESERVICE at [amd@msk.com](mailto:amd@msk.com)

Global Music Rights, LLC, represented by Scott A Zebrak, served via ESERVICE at [scott@oandzlaw.com](mailto:scott@oandzlaw.com)

ASCAP, represented by Sam Mosenkis, served via ESERVICE at [smosenkis@ascap.com](mailto:smosenkis@ascap.com)

Canadian Claimants, represented by Lawrence K Satterfield, served via ESERVICE at [lksatterfield@satterfield-pllc.com](mailto:lksatterfield@satterfield-pllc.com)

Joint Sports Claimants, represented by Bryan L Adkins, served via ESERVICE at [Bryan.Adkins@apks.com](mailto:Bryan.Adkins@apks.com)

Public Television Claimants, represented by Lindsey L. Tonsager, served via ESERVICE at [ltonsager@cov.com](mailto:ltonsager@cov.com)

SESAC Performing Rights, LLC, represented by Christos P Badavas, served via ESERVICE at [cbadavas@sesac.com](mailto:cbadavas@sesac.com)

Broadcast Music, Inc. (BMI), represented by Jennifer T. Criss, served via ESERVICE at [jennifer.criss@dbr.com](mailto:jennifer.criss@dbr.com)

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via



ESERVICE at ted@copyrightroyalties.com

National Public Radio, represented by Gregory A Lewis, served via ESERVICE at  
glewis@npr.org

Signed: /s/ David Powell